

AMENDED IN SENATE APRIL 24, 2014
AMENDED IN SENATE APRIL 10, 2014
AMENDED IN SENATE MARCH 27, 2014

SENATE BILL

No. 1093

Introduced by Senator Liu

February 19, 2014

An act to amend Sections 4519.5, 4629, and 4648 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Liu. Developmental services: regional centers: culturally and linguistically competent services.

(1) The Lanterman Developmental Disabilities Services Act ~~authorizes~~ *requires* the State Department of Developmental Services to contract with regional centers to provide services and ~~support~~ *supports* to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer, which include services and supports that are directed toward the achievement and maintenance of an independent, productive, and normal life for the consumer such as daily living skills training, are contained in an individual program plan or individualized family service plan developed in accordance with prescribed requirements.

This bill would require that independent living skills services be available to all adult consumers who live in the home of a parent, relative, or other person, or who live independently.

(2) Existing law requires that contracts entered into with regional centers include annual performance objectives, including annual performance objectives that are specific, measurable, and, among other

things, designed to develop services and supports identified as necessary to meet identified needs. Existing law also requires that each contract with a regional center specify steps to be taken to ensure contract compliance, and, if a regional center is placed on probation pursuant to these steps, requires the department to provide the appropriate area board with a copy of the correction plan, timeline, and any other action taken by the department.

This bill would require that annual performance objectives, among other things, be designed to develop services and supports identified as necessary to meet identified needs, which includes culturally and linguistically appropriate services and supports. The bill would require that, if a regional center is placed on probation, the department also provide a copy of the correction plan, timeline, and any other action taken by the department to ~~the Office of Clients' Rights Advocacy~~: *a specified clients' rights advocacy contractor*.

This bill would also require each regional center, in addition to those performance objectives, to develop and implement a plan with specific and measurable objectives that include activities and timelines that will lead to an increase in the utilization of services by consumers impacted by purchase of service disparities. The bill would require a regional center to utilize a specified public process and consult with specified stakeholders in developing that plan.

(3) Existing law requires the department and regional centers to annually collaborate to compile specified data relating to purchase of service authorization, utilization, and expenditure by each regional center and requires that data to include the number and percentage of individuals, categorized by age, ~~race~~, *race* or ethnicity, and disability, who have been determined to be eligible for regional center services, but who are not receiving purchase of service funds. Existing law requires each regional center and the department to annually post this information on their respective Internet Web sites, as prescribed, and requires each regional center to hold annual stakeholder meetings regarding the data.

This bill would additionally require the data to include ~~the number and percentage of individuals who have been determined to be eligible for regional center services, but who are not receiving purchase of service funds,~~ to, *and* be categorized by, residence type and subcategorized by age, race or ethnicity, and primary language. The bill would also require the department and each regional center to maintain all preceding years' data on its Internet Web site. The bill

would require that regional centers hold the annual stakeholder meetings regarding the data separately from ~~a meeting~~ *any meetings* of its board of directors, schedule the meetings at times and locations designed to result in a high ~~turn-out~~ *turnout* by the public and underserved communities, and, in holding the meetings, consider the language needs of the community. *The bill would require the regional centers to provide participants of these meetings with the data and associated information and to conduct a discussion of the data and associated information in a manner that is culturally and linguistically appropriate for that community, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4519.5 of the Welfare and Institutions
2 Code is amended to read:
3 4519.5. (a) The department and the regional centers shall
4 annually collaborate to compile data in a uniform manner relating
5 to purchase of service authorization, utilization, and expenditure
6 by each regional center with respect to all of the following:
7 (1) The age of consumer, categorized by the following:
8 (A) Birth to age two, inclusive.
9 (B) Three to 21, inclusive.
10 (C) Twenty-two and older.
11 (2) Race or ethnicity of the consumer.
12 (3) Primary language spoken by the consumer, and other related
13 details, as feasible.
14 (4) Disability detail, in accordance with the categories
15 established by subdivision (a) of Section 4512, and, if applicable,
16 a category specifying that the disability is unknown.
17 (5) Residence type, subcategorized by age, race or ethnicity,
18 and primary language.
19 (b) The data reported pursuant to subdivision (a) shall also
20 include the number and percentage of individuals, categorized by
21 age, race or ethnicity, and disability, and by residence type, as set
22 forth in paragraph (5) of subdivision (a), who have been determined
23 to be eligible for regional center services but are not receiving
24 purchase of service funds.

1 (c) By March 31, 2013, each regional center shall post the data
2 described in this section that is specific to the regional center on
3 its Internet Web site. Commencing on December 31, 2013, each
4 regional center shall annually post this data by December 31. Each
5 regional center shall maintain all previous years' data on its Internet
6 Web site.

7 (d) By March 31, 2013, the department shall post the information
8 described in this section on a statewide basis on its Internet Web
9 site. Commencing December 31, 2013, the department shall
10 annually post this information by December 31. The department
11 shall maintain all previous years' data on its Internet Web site.
12 The department shall also post notice of any regional center
13 stakeholder meetings on its Internet Web site.

14 (e) Within three months of compiling the data with the
15 department, and annually thereafter, each regional center shall
16 meet with stakeholders in one or more public meetings regarding
17 the data. The meeting or meetings shall be held separately from a
18 ~~meeting any meetings~~ held pursuant to Section 4660 ~~and~~. *The*
19 *regional center shall provide the report and participants of these*
20 *meetings with the data and any associated information, and shall*
21 *conduct a discussion of the data and the associated information*
22 ~~in an understandable form. a manner that is culturally and~~
23 *linguistically appropriate for that community, including providing*
24 *alternative communication services, as required by Sections 11135*
25 *to 11139.7, inclusive, of the Government Code and implementing*
26 *regulations.* Regional centers shall inform the department of the
27 scheduling of those public meetings 30 days prior to the meeting.
28 Notice of the meetings shall also be posted on the regional center's
29 Internet Web site 30 days prior to the meeting and shall be sent to
30 individual stakeholders and groups representing underserved
31 communities in a timely manner. Each regional center shall, in
32 holding the meetings required by this subdivision, consider the
33 language needs of the community and shall schedule the meetings
34 at times and locations designed to result in a high turnout by the
35 public and underserved communities.

36 SEC. 2. Section 4629 of the Welfare and Institutions Code is
37 amended to read:

38 4629. (a) The state shall enter into five-year contracts with
39 regional centers, subject to the annual appropriation of funds by
40 the Legislature.

1 (b) The contracts shall include a provision requiring each
2 regional center to render services in accordance with applicable
3 provision of state laws and regulations.

4 (c) (1) The contracts shall include annual performance
5 objectives that shall do both of the following:

6 (A) Be specific, measurable, and designed to do all of the
7 following:

8 (i) Assist consumers to achieve life quality outcomes.

9 (ii) Achieve meaningful progress above the current baselines.

10 (iii) Develop services and supports identified as necessary to
11 meet identified needs, including culturally and linguistically
12 appropriate services and supports.

13 (B) Be developed through a public process as described in the
14 department's guidelines that includes, but is not limited to, all of
15 the following:

16 (i) Providing information, in an understandable form, to the
17 community about regional center services and supports, including
18 budget information and baseline data on services and supports and
19 regional center operations.

20 (ii) Conducting a public meeting where participants can provide
21 input on performance objectives and using focus groups or surveys
22 to collect information from the community.

23 (iii) Circulating a draft of the performance objectives to the
24 community for input prior to presentation at a regional center board
25 meeting where additional public input will be taken and considered
26 before adoption of the objectives.

27 (2) In addition to the performance objectives developed pursuant
28 to this section, the department may specify in the performance
29 contract additional areas of service and support that require
30 development or enhancement by the regional center. In determining
31 those areas, the department shall consider public comments from
32 individuals and organizations within the regional center catchment
33 area, the distribution of services and supports within the regional
34 center catchment area, and review how the availability of services
35 and supports in the regional area catchment area compares with
36 other regional center catchment areas.

37 (3) In addition to the performance objectives developed pursuant
38 to this section, the department shall require each regional center
39 to develop and implement a plan with specific and measurable
40 objectives that include activities and timelines that will lead to an

1 increase in the utilization of services by consumers impacted by
2 the purchase of service disparities identified pursuant to Sections
3 4519.5 and 4519.6. In developing that plan, a regional center shall
4 utilize the public process described in subparagraph (B) of
5 paragraph (1), and shall consider stakeholder input from the State
6 Council on Developmental Disabilities, the ~~Office of Clients'~~
7 ~~Rights Advocacy~~, *clients' rights advocacy contractor identified*
8 *in Section 4433*, and the protection and advocacy agency described
9 in Section 4901, and input gathered from meetings held pursuant
10 to subdivision (e) of Section 4519.5.

11 (d) Each contract with a regional center shall specify steps to
12 be taken to ensure contract compliance, including, but not limited
13 to, all of the following:

14 (1) Incentives that encourage regional centers to meet or exceed
15 performance standards.

16 (2) Levels of probationary status for regional centers that do
17 not meet, or are at risk of not meeting, performance standards. The
18 department shall require that corrective action be taken by any
19 regional center which is placed on probation. Corrective action
20 may include, but is not limited to, mandated consultation with
21 designated representatives of the Association of Regional Center
22 Agencies or a management team designated by the department, or
23 both. The department shall establish the specific timeline for the
24 implementation of corrective action and monitor its
25 implementation. When a regional center is placed on probation,
26 the department shall provide the appropriate area board and the
27 ~~Office of Clients' Rights Advocacy~~ *clients' rights advocacy*
28 *contractor identified in Section 4433* with a copy of the correction
29 plan, timeline, and any other action taken by the department
30 relating to the probationary status of the regional center.

31 (e) In order to evaluate the regional center's compliance with
32 its contract performance objectives and legal obligations related
33 to those objectives, the department shall do both of the following:

34 (1) Annually assess each regional center's achievement of its
35 previous year's objectives and make the assessment, including
36 baseline data and performance objectives of the individual regional
37 centers, available to the public. The department may make a special
38 commendation of the regional centers that have best engaged the
39 community in the development of contract performance objectives

1 and have made the most meaningful progress in meeting or
2 exceeding contract performance objectives.

3 (2) Monitor the activities of the regional center to ensure
4 compliance with the provisions of its contracts, including, but not
5 limited to, reviewing all of the following:

6 (A) The regional center's public process for compliance with
7 the procedures-sets *set* forth in paragraph (2) of subdivision (c).

8 (B) Each regional center's performance objectives for
9 compliance with the criteria set forth in paragraphs (1) to (3),
10 inclusive, of subdivision (c).

11 (C) Any public comments on regional center performance
12 objectives sent to the department or to the regional centers, and
13 soliciting public input on the public process and final performance
14 standards.

15 (f) The renewal of each contract shall be contingent upon
16 compliance with the contract including, but not limited to, the
17 performance objectives, as determined through the department's
18 evaluation.

19 SEC. 3. Section 4648 of the Welfare and Institutions Code is
20 amended to read:

21 4648. In order to achieve the stated objectives of a consumer's
22 individual program plan, the regional center shall conduct activities,
23 including, but not limited to, all of the following:

24 (a) Securing needed services and supports.

25 (1) It is the intent of the Legislature that services and supports
26 assist individuals with developmental disabilities in achieving the
27 greatest self-sufficiency possible and in exercising personal
28 choices. The regional center shall secure services and supports
29 that meet the needs of the consumer, as determined in the
30 consumer's individual program plan, and within the context of the
31 individual program plan, the planning team shall give highest
32 preference to those services and supports which would allow
33 minors with developmental disabilities to live with their families,
34 adult persons with developmental disabilities to live as
35 independently as possible in the community, and that allow all
36 consumers to interact with persons without disabilities in positive,
37 meaningful ways.

38 (2) (A) In implementing individual program plans, regional
39 centers, through the planning team, shall first consider services
40 and supports in natural community, home, work, and recreational

1 settings. Services and supports shall be flexible and individually
2 tailored to the consumer and, where appropriate, his or her family.

3 (B) In order to ensure that regional center services are provided
4 in a culturally competent manner and available to consumers from
5 diverse language, ethnic, and racial populations, independent living
6 skills services shall be available to all adult consumers who live
7 in the home of a parent, relative, or other person, or who live
8 independently.

9 (3) A regional center may, pursuant to vendorization or a
10 contract, purchase services or supports for a consumer from any
11 individual or agency which the regional center and consumer or,
12 where appropriate, his or her parents, legal guardian, or
13 conservator, or authorized representatives, determines will best
14 accomplish all or any part of that consumer's program plan.

15 (A) Vendorization or contracting is the process for identification,
16 selection, and utilization of service vendors or contractors, based
17 on the qualifications and other requirements necessary in order to
18 provide the service.

19 (B) A regional center may reimburse an individual or agency
20 for services or supports provided to a regional center consumer if
21 the individual or agency has a rate of payment for vendored or
22 contracted services established by the department, pursuant to this
23 division, and is providing services pursuant to an emergency
24 vendorization or has completed the vendorization procedures or
25 has entered into a contract with the regional center and continues
26 to comply with the vendorization or contracting requirements. The
27 director shall adopt regulations governing the vendorization process
28 to be utilized by the department, regional centers, vendors and the
29 individual or agency requesting vendorization.

30 (C) Regulations shall include, but not be limited to: the vendor
31 application process, and the basis for accepting or denying an
32 application; the qualification and requirements for each category
33 of services that may be provided to a regional center consumer
34 through a vendor; requirements for emergency vendorization;
35 procedures for termination of vendorization; the procedure for an
36 individual or an agency to appeal any vendorization decision made
37 by the department or regional center.

38 (D) A regional center may vendorize a licensed facility for
39 exclusive services to persons with developmental disabilities at a
40 capacity equal to or less than the facility's licensed capacity. A

1 facility already licensed on January 1, 1999, shall continue to be
2 vendorized at their full licensed capacity until the facility agrees
3 to vendorization at a reduced capacity.

4 (E) Effective July 1, 2009, notwithstanding any other law or
5 regulation, a regional center shall not newly vendor a State
6 Department of Social Services licensed 24-hour residential care
7 facility with a licensed capacity of 16 or more beds, unless the
8 facility qualifies for receipt of federal funds under the Medicaid
9 Program.

10 (4) Notwithstanding subparagraph (B) of paragraph (3), a
11 regional center may contract or issue a voucher for services and
12 supports provided to a consumer or family at a cost not to exceed
13 the maximum rate of payment for that service or support
14 established by the department. If a rate has not been established
15 by the department, the regional center may, for an interim period,
16 contract for a specified service or support with, and establish a
17 rate of payment for, any provider of the service or support
18 necessary to implement a consumer's individual program plan.
19 Contracts may be negotiated for a period of up to three years, with
20 annual review and subject to the availability of funds.

21 (5) In order to ensure the maximum flexibility and availability
22 of appropriate services and supports for persons with
23 developmental disabilities, the department shall establish and
24 maintain an equitable system of payment to providers of services
25 and supports identified as necessary to the implementation of a
26 consumers' individual program plan. The system of payment shall
27 include provision for a rate to ensure that the provider can meet
28 the special needs of consumers and provide quality services and
29 supports in the least restrictive setting as required by law.

30 (6) The regional center and the consumer, or where appropriate,
31 his or her parents, legal guardian, conservator, or authorized
32 representative, including those appointed pursuant to subdivision
33 (d) of Section 4548, subdivision (b) of Section 4701.6, or
34 subdivision (e) of Section 4705, shall, pursuant to the individual
35 program plan, consider all of the following when selecting a
36 provider of consumer services and supports:

37 (A) A provider's ability to deliver quality services or supports
38 which can accomplish all or part of the consumer's individual
39 program plan.

1 (B) A provider's success in achieving the objectives set forth
2 in the individual program plan.

3 (C) When appropriate, the existence of licensing, accreditation,
4 or professional certification.

5 (D) The cost of providing services or supports of comparable
6 quality by different providers, if available, shall be reviewed, and
7 the least costly available provider of comparable service, including
8 the cost of transportation, who is able to accomplish all or part of
9 the consumer's individual program plan, consistent with the
10 particular needs of the consumer and family as identified in the
11 individual program plan, shall be selected. In determining the least
12 costly provider, the availability of federal financial participation
13 shall be considered. The consumer shall not be required to use the
14 least costly provider if it will result in the consumer moving from
15 an existing provider of services or supports to more restrictive or
16 less integrated services or supports.

17 (E) The consumer's choice of providers, or, where appropriate,
18 the consumer's parent's, legal guardian's, authorized
19 representative's, or conservator's choice of providers.

20 (7) No service or support provided by any agency or individual
21 shall be continued unless the consumer or, where appropriate, his
22 or her parents, legal guardian, or conservator, or authorized
23 representative, including those appointed pursuant to subdivision
24 (d) of Section 4548, subdivision (b) of Section 4701.6, or
25 subdivision (e) of Section 4705, is satisfied and the regional center
26 and the consumer or, when appropriate, the person's parents or
27 legal guardian or conservator agree that planned services and
28 supports have been provided, and reasonable progress toward
29 objectives have been made.

30 (8) Regional center funds shall not be used to supplant the
31 budget of any agency that has a legal responsibility to serve all
32 members of the general public and is receiving public funds for
33 providing those services.

34 (9) (A) A regional center may, directly or through an agency
35 acting on behalf of the center, provide placement in, purchase of,
36 or follow-along services to persons with developmental disabilities
37 in, appropriate community living arrangements, including, but not
38 limited to, support service for consumers in homes they own or
39 lease, foster family placements, health care facilities, and licensed
40 community care facilities. In considering appropriate placement

1 alternatives for children with developmental disabilities, approval
2 by the child's parent or guardian shall be obtained before placement
3 is made.

4 (B) Effective July 1, 2012, notwithstanding any other law or
5 regulation, a regional center shall not purchase residential services
6 from a State Department of Social Services licensed 24-hour
7 residential care facility with a licensed capacity of 16 or more
8 beds. This prohibition on regional center purchase of residential
9 services shall not apply to any of the following:

10 (i) A residential facility with a licensed capacity of 16 or more
11 beds that has been approved to participate in the department's
12 Home and Community Based Services Waiver or another existing
13 waiver program or certified to participate in the Medi-Cal program.

14 (ii) A residential facility service provider that has a written
15 agreement and specific plan prior to July 1, 2012, with the
16 vendoring regional center to downsize the existing facility by
17 transitioning its residential services to living arrangements of 15
18 beds or less or restructure the large facility to meet federal
19 Medicaid eligibility requirements on or before June 30, 2013.

20 (iii) A residential facility licensed as a mental health
21 rehabilitation center by the State Department of Mental Health or
22 successor agency under any of the following circumstances:

23 (I) The facility is eligible for Medicaid reimbursement.

24 (II) The facility has a department-approved plan in place by
25 June 30, 2013, to transition to a program structure eligible for
26 federal Medicaid funding, and this transition will be completed by
27 June 30, 2014. The department may grant an extension for the date
28 by which the transition will be completed if the facility
29 demonstrates that it has made significant progress toward transition,
30 and states with specificity the timeframe by which the transition
31 will be completed and the specified steps that will be taken to
32 accomplish the transition. A regional center may pay for the costs
33 of care and treatment of a consumer residing in the facility on June
34 30, 2012, until June 30, 2013, inclusive, and, if the facility has a
35 department-approved plan in place by June 30, 2013, may continue
36 to pay the costs under this subparagraph until June 30, 2014, or
37 until the end of any period during which the department has granted
38 an extension.

39 (III) There is an emergency circumstance in which the regional
40 center determines that it cannot locate alternate federally eligible

1 services to meet the consumer's needs. Under such an emergency
2 circumstance, an assessment shall be completed by the regional
3 center as soon as possible and within 30 days of admission. An
4 individual program plan meeting shall be convened immediately
5 following the assessment to determine the services and supports
6 needed for stabilization and to develop a plan to transition the
7 consumer from the facility into the community. If transition is not
8 expected within 90 days of admission, an individual program plan
9 meeting shall be held to discuss the status of transition and to
10 determine if the consumer is still in need of placement in the
11 facility. Commencing October 1, 2012, this determination shall
12 be made after also considering resource options identified by the
13 statewide specialized resource service. If it is determined that
14 emergency services continue to be necessary, the regional center
15 shall submit an updated transition plan that can cover a period of
16 up to 90 days. In no event shall placements under these emergency
17 circumstances exceed 180 days.

18 (C) (i) Effective July 1, 2012, notwithstanding any other law
19 or regulation to the contrary, a regional center shall not purchase
20 new residential services from, or place a consumer in, institutions
21 for mental disease, as described in Part 5 (commencing with
22 Section 5900) of Division 5, for which federal Medicaid funding
23 is not available. Effective July 1, 2013, this prohibition applies
24 regardless of the availability of federal funding.

25 (ii) The prohibition described in clause (i) shall not apply to
26 emergencies, as determined by the regional center, when a regional
27 center cannot locate alternate services to meet the consumer's
28 needs. As soon as possible within 30 days of admission due to an
29 emergency, an assessment shall be completed by the regional
30 center. An individual program plan meeting shall be convened
31 immediately following the assessment, to determine the services
32 and supports needed for stabilization and to develop a plan to
33 transition the consumer from the facility to the community. If
34 transition is not expected within 90 days of admission, an
35 emergency program plan meeting shall be held to discuss the status
36 of the transition and to determine if the consumer is still in need
37 of placement in the facility. If emergency services continue to be
38 necessary, the regional center shall submit an updated transition
39 plan to the department for an extension of up to 90 days. Placement
40 shall not exceed 180 days.

1 (iii) To the extent feasible, prior to any admission, the regional
2 center shall consider resource options identified by the statewide
3 specialized resource service established pursuant to subdivision
4 (b) of Section 4418.25.

5 (iv) The clients' rights advocate shall be notified of each
6 admission and individual program planning meeting pursuant to
7 this subparagraph and may participate in all individual program
8 planning meetings unless the consumer objects on his or her own
9 behalf.

10 (v) Regional centers shall complete a comprehensive assessment
11 of any consumer residing in an institution for mental disease as of
12 July 1, 2012, for which federal Medicaid funding is not available,
13 and for any consumer residing in an institution for mental disease
14 as of July 1, 2013, without regard to federal funding. The
15 comprehensive assessment shall be completed prior to the
16 consumer's next scheduled individual program plan meeting and
17 shall include identification of the services and supports needed
18 and the timeline for identifying or developing those services needed
19 to transition the consumer back to the community. Effective
20 October 1, 2012, the regional center shall also consider resource
21 options identified by the statewide specialized resource service.
22 For each individual program plan meeting convened pursuant to
23 this subparagraph, the clients' rights advocate for the regional
24 center shall be notified of the meeting and may participate in the
25 meeting unless the consumer objects on his or her own behalf.

26 (D) Each person with developmental disabilities placed by the
27 regional center in a community living arrangement shall have the
28 rights specified in this division. These rights shall be brought to
29 the person's attention by any means necessary to reasonably
30 communicate these rights to each resident, provided that, at a
31 minimum, the Director of Developmental Services prepare,
32 provide, and require to be clearly posted in all residential facilities
33 and day programs a poster using simplified language and pictures
34 that is designed to be more understandable by persons with
35 cognitive disabilities and that the rights information shall also be
36 available through the regional center to each residential facility
37 and day program in alternative formats, including, but not limited
38 to, other languages, braille, and audio tapes, when necessary to
39 meet the communication needs of consumers.

(E) Consumers are eligible to receive supplemental services including, but not limited to, additional staffing, pursuant to the process described in subdivision (d) of Section 4646. Necessary additional staffing that is not specifically included in the rates paid to the service provider may be purchased by the regional center if the additional staff are in excess of the amount required by regulation and the individual's planning team determines the additional services are consistent with the provisions of the individual program plan. Additional staff should be periodically reviewed by the planning team for consistency with the individual program plan objectives in order to determine if continued use of the additional staff is necessary and appropriate and if the service is producing outcomes consistent with the individual program plan. Regional centers shall monitor programs to ensure that the additional staff is being provided and utilized appropriately.

(10) Emergency and crisis intervention services including, but not limited to, mental health services and behavior modification services, may be provided, as needed, to maintain persons with developmental disabilities in the living arrangement of their own choice. Crisis services shall first be provided without disrupting a person's living arrangement. If crisis intervention services are unsuccessful, emergency housing shall be available in the person's home community. If dislocation cannot be avoided, every effort shall be made to return the person to his or her living arrangement of choice, with all necessary supports, as soon as possible.

(11) Among other service and support options, planning teams shall consider the use of paid roommates or neighbors, personal assistance, technical and financial assistance, and all other service and support options which would result in greater self-sufficiency for the consumer and cost-effectiveness to the state.

(12) When facilitation as specified in an individual program plan requires the services of an individual, the facilitator shall be of the consumer's choosing.

(13) The community support may be provided to assist individuals with developmental disabilities to fully participate in community and civic life, including, but not limited to, programs, services, work opportunities, business, and activities available to persons without disabilities. This facilitation shall include, but not be limited to, any of the following:

1 (A) Outreach and education to programs and services within
2 the community.

3 (B) Direct support to individuals which would enable them to
4 more fully participate in their community.

5 (C) Developing unpaid natural supports when possible.

6 (14) When feasible and recommended by the individual program
7 planning team, for purposes of facilitating better and cost-effective
8 services for consumers or family members, technology, including
9 telecommunication technology, may be used in conjunction with
10 other services and supports. Technology in lieu of a consumer's
11 in-person appearances at judicial proceedings or administrative
12 due process hearings may be used only if the consumer or, when
13 appropriate, the consumer's parent, legal guardian, conservator,
14 or authorized representative, gives informed consent. Technology
15 may be used in lieu of, or in conjunction with, in-person training
16 for providers, as appropriate.

17 (15) Other services and supports may be provided as set forth
18 in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

19 (16) Notwithstanding any other law or regulation, effective July
20 1, 2009, regional centers shall not purchase experimental
21 treatments, therapeutic services, or devices that have not been
22 clinically determined or scientifically proven to be effective or
23 safe or for which risks and complications are unknown.
24 Experimental treatments or therapeutic services include
25 experimental medical or nutritional therapy when the use of the
26 product for that purpose is not a general physician practice. For
27 regional center consumers receiving these services as part of their
28 individual program plan (IPP) or individualized family service
29 plan (IFSP) on July 1, 2009, this prohibition shall apply on August
30 1, 2009.

31 (b) (1) Advocacy for, and protection of, the civil, legal, and
32 service rights of persons with developmental disabilities as
33 established in this division.

34 (2) Whenever the advocacy efforts of a regional center to secure
35 or protect the civil, legal, or service rights of any of its consumers
36 prove ineffective, the regional center or the person with
37 developmental disabilities or his or her parents, legal guardian, or
38 other representative may request the area board to initiate action
39 under the provisions defining area board advocacy functions
40 established in this division.

1 (c) The regional center may assist consumers and families
2 directly, or through a provider, in identifying and building circles
3 of support within the community.

4 (d) In order to increase the quality of community services and
5 protect consumers, the regional center shall, when appropriate,
6 take either of the following actions:

7 (1) Identify services and supports that are ineffective or of poor
8 quality and provide or secure consultation, training, or technical
9 assistance services for any agency or individual provider to assist
10 that agency or individual provider in upgrading the quality of
11 services or supports.

12 (2) Identify providers of services or supports that may not be
13 in compliance with local, state, and federal statutes and regulations
14 and notify the appropriate licensing or regulatory authority, or
15 request the area board to investigate the possible noncompliance.

16 (e) When necessary to expand the availability of needed services
17 of good quality, a regional center may take actions that include,
18 but are not limited to, the following:

19 (1) Soliciting an individual or agency by requests for proposals
20 or other means, to provide needed services or supports not presently
21 available.

22 (2) Requesting funds from the Program Development Fund,
23 pursuant to Section 4677, or community placement plan funds
24 designated from that fund, to reimburse the startup costs needed
25 to initiate a new program of services and supports.

26 (3) Using creative and innovative service delivery models,
27 including, but not limited to, natural supports.

28 (f) Except in emergency situations, a regional center shall not
29 provide direct treatment and therapeutic services, but shall utilize
30 appropriate public and private community agencies and service
31 providers to obtain those services for its consumers.

32 (g) When there are identified gaps in the system of services and
33 supports, or when there are identified consumers for whom no
34 provider will provide services and supports contained in his or her
35 individual program plan, the department may provide the services
36 and supports directly.

37 (h) At least annually, regional centers shall provide the
38 consumer, his or her parents, legal guardian, conservator, or
39 authorized representative a statement of services and supports the
40 regional center purchased for the purpose of ensuring that they are

- 1 delivered. The statement shall include the type, unit, month, and
- 2 cost of services and supports purchased.

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